

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction – January 18, 2005
Public Hearing – February 8, 2005

CONTACT PERSON/PHONE: Jorge E. Rousselin, 541-4723

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance changing the zoning of Lots 1 and 24, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas, from A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E & Arlette Maxell. ZON04-00142. **(District 2)**

BACKGROUND / DISCUSSION:

See attached staff report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation
City Plan Commission (CPC) – Approval Recommendation with Conditions

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 1 AND 24, BLOCK 1, ALTRA MIRA ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT/OFFICE/SPECIAL CONTRACT) AND R-4 (RESIDENTIAL) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Lots 1 and 24, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas*, be changed from **A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract), in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

The following uses shall be prohibited:

1. *Restaurants or ice cream parlors, including drive-in restaurants*
2. *Automobile and light truck lubrication or repair service*
3. *No ingress and egress to be allowed off Wagner St.*

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this _____ day of **January**
2005.

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Jorge E. Rousselin, Urban Planner
Planning, Research & Development

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:

Matt Watson, Assistant City Attorney

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



GEORGE G. SARMIENTO, AICP
DIRECTOR

**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

December 23, 2004

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: The Honorable Mayor and City Council
Ms. Joyce A. Wilson

FROM: Jorge E. Rousselin

SUBJECT: ZON04-00142

The City Plan Commission (CPC), on December 02, 2004, voted **5 - 1** to recommend **APPROVAL** of the proposed rezoning from A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract) with conditions, not concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **OPPOSITION** to this request.

STAFF REPORT

Rezoning Case: ZON04-00142

Property Owner(s): Willis E & Arlette Maxell

Applicant(s): Same

Representative(s): Conde, Inc.

Legal Description: Being all of Lots 1 and 24, Block 1, Altra Mira Addition

Location: 1200 Chelsea

Representative District: # 2

Area: 0.352 Acres

Present Zoning: A-O/sc (Apartment Office/special contract) & R-4 (Residential)

Present Use: Office building

Proposed Zoning: C-1/sc (Commercial/special contract)

Proposed Use: Credit Union

Recognized Neighborhood Associations Contacted: None

Surrounding Land Uses:

North -	R-4 (Residential) / Residences
South -	C-1 (Commercial) / Commercial Retail Center
East -	R-4 (Residential) / Residences
West-	R-4 (Residential) / Residences

Year 2025 Designation: Residential (Central Planning Area)

**CITY PLAN COMMISSION HEARING, December 16, 2004,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Case: ZON04-00142

General Information:

The applicant is requesting a rezoning from A-O/sc (Apartment Office/special contract) to C-1/sc (Commercial/special contract) in order to permit a credit union. The property is 0.352 acres in size and is currently a vacant office building. The proposed site plan shows an existing structure. Access is proposed via Chelsea with 15 parking spaces provided. There are zoning conditions currently imposed on this property which limit the use of the site to offices and one story structure under Ordinance No. 4271 dated September 16, 1969.

Information to the Commission:

The Planning Department has received 15 calls for information on the site, a petition with twenty-seven (27) signatures in **OPPOSITION** to the rezoning, twenty-three (23) letters in **OPPOSITION** to the rezoning, and a petition with twelve (12) signatures **IN FAVOR** of the rezoning request.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends of **DENIAL** this request for rezoning from A-O/sc (Apartment Office/special contract) to C-1/sc (Commercial/special contract).

The recommendation is based on the following:

“provide a wide range of housing types that respond to the needs of all economic segments of the community.”

The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Residential** land uses.

C-1 (Commercial) zoning permits a Credit Union and **is not compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-1/sc (Commercial/special contract) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will a credit union be compatible with adjacent land uses?

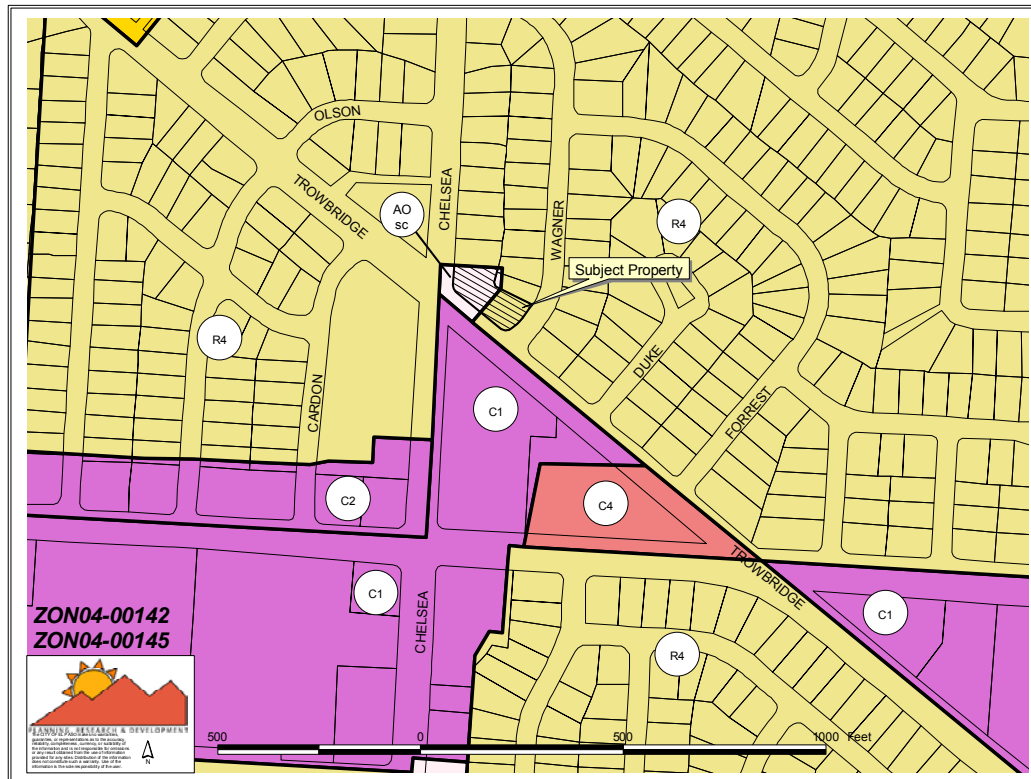
Information To The Applicant:

- Building Permits and Inspections Department, Zoning Division Notes:
 - Building Permits and Inspections does not object to the proposed **zone change from A-O to C-1.**
- Engineering Department, Development Division Notes:
 - See attachment 1
- Engineering, Traffic Division Notes:
 - See attachment 2
- Fire Department Notes:
 - No comments submitted
- El Paso Water Utilities Notes:
 - See attachment 3
- Planning, Research and Development Department Notes:
 - Planning has concerns on the potential impact on the proposed residential land uses adjacent to the proposed commercial development as it is residential in character.

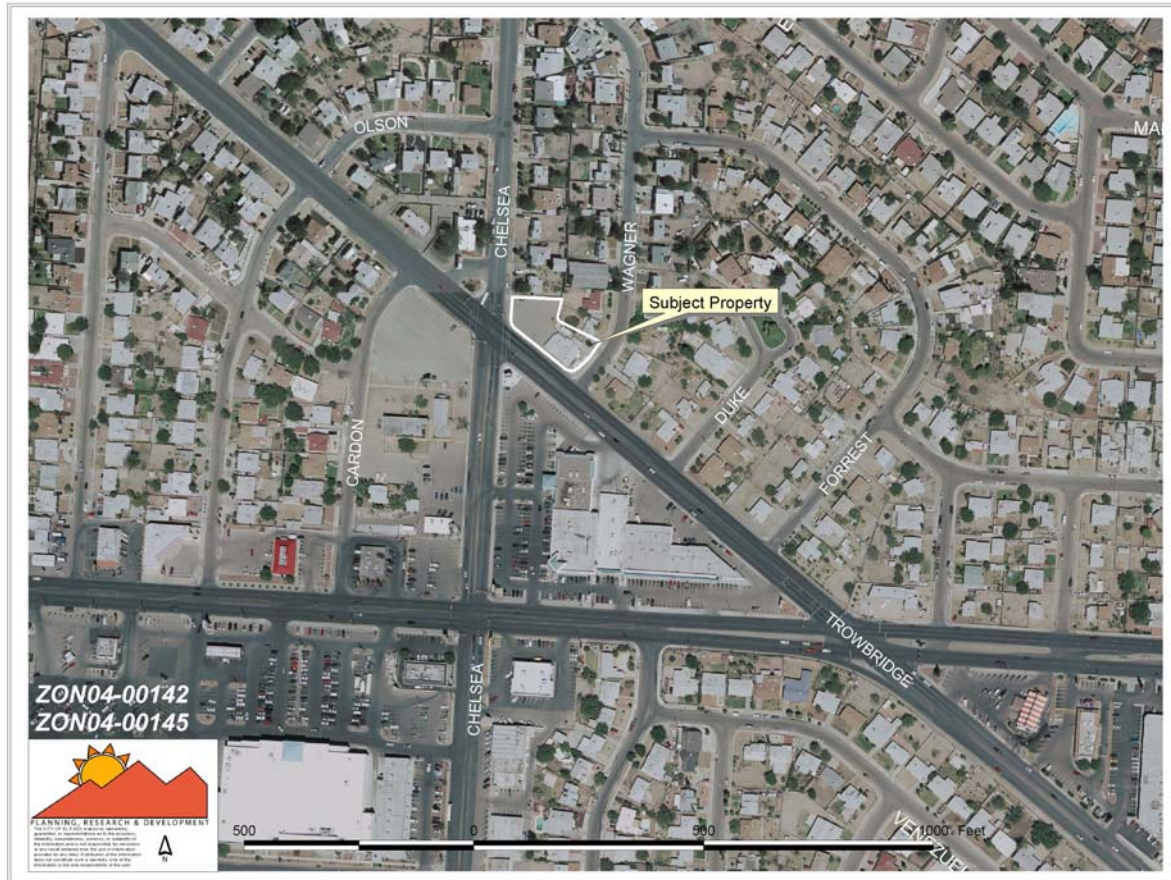
ATTACHMENT: Location Map; Site Plan; Department Comments.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEPARTMENT OF PLANNING AT (915) 541-4056.

LOCATION MAP



AERIAL



[illegible]

CONTRACT

This contract, made this 16th day of September, 1969, by and between Richard L. Moore and A. Elizabeth Moore, his wife, First Parties; the City of El Paso, Second Party; and Ed Swier, Third Party, witnesseth:

First Parties have applied for rezoning of Lot One in Block One of the Altamira Addition to the City of El Paso. To remove certain objections to the requested rezoning First Parties have agreed that if the property is rezoned to A-O (§25-26 of the El Paso City Code) it will be used only for offices of the kind permitted in A-O districts, and not for any of the other purposes permitted in A-O districts; and no structure on the property will be higher than one story. Third Party is the owner and holder of a lien on the property and consents to this contract.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Witness the following signatures and seal:

Richard L. Moore
Richard L. Moore

A. Elizabeth Moore
A. Elizabeth Moore

Ed Swier
Ed Swier

TO: **PLANNING DEPARTMENT**
FROM: **ENGINEERING DEPARTMENT**
ATTN: **Kimberly Forsyth, Fred Lopez,
or Jorge Rousellin, Urban Planners**

DATE: **November 29, 2004**
ADDRESS: **1200 Chelsea Dr.**
PROPOSED USE: **Credit Union**

CASE NO.: ZON04-00142 PROPOSED ZONE: C-1 (Commercial)

REQUEST: Rezoning from A-O (Apartment Office) to C-1 (Commercial)

LEGAL DESCRIPTION: Being all of Lots 1 and 24, Altra Mira Addition

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Handicap Accessible Sidewalks, Wheel-Chair Ramps, and Driveway will be required
- ☒ 4. Grading plan and permit required.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☒ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☐ 8. On site ponding will be required.
- ☐ 9. Private pond is required.
- ☐ 10. No water runoff allowed unto _____.
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location **is not** located within the Special Flood Hazard Area. Zone **C**, Panel **34 B**.

Bashar Abugalyon, P. E.
Chief Development Engineer

DISTRICT: **2**

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

RICK CONNER
CITY ENGINEER



November 12, 2004

ENGINEERING DEPARTMENT

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: Fred Lopez, Planner II/Zoning Coordinator
Kimberly Forsyth, Planner II
Jorge Rousselin, Planner II

COPY TO: Land Development

FROM: Traffic Division

SUBJECT: **ZONO4-00142 1200 Chelsea**
Rezoning from A-O to C-1

Regarding the above referenced DCC item, the Engineering Department has the following comments:

- **No apparent traffic concerns with the proposed rezoning.**

Should your office or the applicant have any questions or comments regarding these issues, please contact Margarita Molina at 541-4223.

INTEROFFICE MEMORANDUM

To: Jorge Rousselin
Urban Planner

From: El Paso Water Utilities - Engineering

Date: December 08, 2004

Subject: **ZON04- 00142 (Rezoning Case)**
Being all of Lots 1 and 24, Alta Mira Addition, (the Property).

Location: 1200 Chelsea Drive at Trowbridge Drive.
Present: A-O (Apartment - Office); office building
Proposed: C-1 (Commercial); credit union

We have reviewed the zoning change request described above and provide the following comments:

General

Water and sanitary sewer mains exist along Trowbridge Drive, as well as along Chelsea Drive, and are available for service.

In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Application for water and sanitary sewer services should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

EPWU does not object to this request.